

CALIFORNIA STATE PERSONNEL BOARD MEETING\*  
The Westin Hotel  
Los Angeles Airport  
5400 West Century Blvd.  
Los Angeles, California 90045

Public Session Location - Room 329

Closed Session Location - Room 329

FULL BOARD MEETING MINUTES\*\*

April 6, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Board Members Present:

William Elkins, President  
Ron Alvarado, Vice President  
Maeley Tom - Member

2. REPORT OF THE EXECUTIVE OFFICER - Report of  
Laura Aguilera, Interim Executive Officer

The Board was advised of the following:

- A. The Interim Executive Officer, Laura Aguilera, attended her first Cooperative Personnel Service (CPS) Human Resource Services Board of Directors meeting on March 24-25, 2004, representing the State Personnel Board as one of the nine Board Member Agencies. Over the last year, the agency has won two high-profile Federal agency contracts involving human resource projects with the National Institutes

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\*\* The State Personnel Board Summary Minutes can be obtained at the following Internet address:  
**<http://www.spb.ca.gov/calendar.htm>**

- of Health and the Transportation Security Administration. On April 1, 2004 the CPS, Human Resource Services, was recognized as one of the best places to work in Sacramento and awarded the Sacramento Workplace Excellence Leader Award for a Medium Governmental Agency.
- B. Laura Aguilera, Bruce Monfross and Bill Groome met with Carlos Sanchez, Assistant Deputy Director with the California Department of Corrections (CDC) regarding State Personnel Board (SPB) training on the State Disciplinary process. The Board will assist the Department in identifying appropriate training to respond to their needs.
  - C. Laura Aguilera and Ted Edwards assisted the International Public Management Association (IPMA)-Human Resources with the development of performance anchors for their proposed Human Resource Diversity or Equal Employment Opportunity Specialty certificate program.
  - D. The SPB was recently advised that they had satisfied the requirements of Executive Order S-2-93 and could proceed with the regulatory process. Regulations that had been suspended will now continue through the approval process.
  - E. The SPB has assisted the Department of Motor Vehicles (DMV) with their staffing needs. The DMV anticipates hiring 400 individuals in their field offices by July 1, 2004. Their examinations have been scored and processed on an expedited basis in order to meet their needs. Additionally, SPB staff has assisted the State Compensation Insurance Fund with their examination and staffing needs in Fresno, Santa Rosa and Stockton.
3. REPORT OF THE CHIEF COUNSEL - Elise Rose
- No report given
4. REPORT ON LEGISLATION - Sherry Hicks

The Board was advised of the following and  
On April 6, 2004, the Board voted to approve the  
following positions on bills introduced.

- A. AB 1825 (Reyes) - Introduced (SUPPORT)  
This bill would amend section 12950 of the Government Code to require employers with three or more employees to post information concerning the illegality of sexual harassment and the remedies available to sexual harassment victims. The bill would also require employers with 50 or more employees to provide two hours of sexual harassment training and education to all supervisory employees within one year of January 1, 2005, unless the employer has already provided such training after January 1, 2004.
- B. AB 1933 (Pacheco) - Introduced (NEUTRAL)  
This bill would, among other things, extend the time for a public agency to respond to a request for public records from 10 to 20 days.
- C. AB 2275 (Dymally) - Introduced (SUPPORT)  
This bill would repeal requirements to annually establish employment goals and timetables based on race or gender that were invalidated by the California Court of Appeal in *Connerly v. State Personnel Board*, and re-title Chapter 12 of Part 2, Division 5, Title 2 of the Government Code from Affirmative Action Program to State Equal Employment Opportunity Program.  
  
In addition, it would clarify and strengthen equal employment opportunity requirements, and add a provision that state departments track and report to the State Personnel Board (SPB) on the amount of resources and costs devoted to dealing with employment discrimination issues.
- D. AB 2314 (Horton) - Introduced (NEUTRAL)  
This bill would make the same burden of proof in discipline cases involving managerial employees, as currently exists for non-managerial employees.
- E. AB 2889 (Laird) - Introduced (NEUTRAL)  
Expands the legal protection for employees against harassment in the workplace by non-employees by

making employers responsible for harassment based on any protected group category, where the employer knew or should have known about the conduct and failed to take immediate and effective corrective action.

- F. SCA 15 (McClintock) - Introduced (OPPOSE)  
This bill would amend the California Constitution to permit the Governor to require state agencies to contract with private contractors, instead of utilizing civil service employees to perform state work whenever the Governor determines that terms more favorable to the state may be obtained.

VOTE: Elkins, Alvarado, Tom - Aye

5. ORAL ARGUMENT

The Board heard oral argument and considered written argument in the matter of RICHARD ERNANDEZ, CASE NO. 01-4251A. Appeal from five-percent salary reduction for six months. Department of Corrections.

Persons Participating:

Dennis King, Correctional Lieutenant, California Institute for Men - Chino, representing Department of Corrections

Ina A. Arnold, Senior Representative, California Correctional Peace Officers Association, representing appellant

6. ORAL ARGUMENT

Oral Argument in the matter of NEIL MADDEN, CASE NO. 03-1682A. Appeal from five-percent salary reduction for three months. Department of Corrections.

Persons Participating: No appearances.

7. ORAL ARGUMENT

Oral Argument in the matter of ELANGOVAN SITTRAMBARAM, CASE NO. 03-2401A. Appeal from six-months suspension. California State University.

Persons Participating:

Bruce Richardson, Deputy General Counsel, Office of the Chancellor, representing California State University - Long Beach  
Fernando S. Acosta, Attorney at Law, representing appellant

8. ORAL ARGUMENT

Oral Argument in the matter of ALICE VAN THU, CASE NO. 03-0413A. Appeal from automatic resignation. California State University.

Persons Participating:

Marc Mootchnik, University Counsel, Office of the Chancellor, representing California State University - Long Beach  
Gilbert F. Rojo, Labor Relations Representative, California State Employees Association, representing appellant

9. ORAL ARGUMENT

Oral Argument in the matter of BEVERLY WILSON, CASE NO. 03-1150A. Appeal from dismissal. California State University.

Persons Participating:

G. Andrew Jones, University Counsel, Office of the Chancellor, representing California State University - Long Beach  
Jorge Salinas, Sr. Labor Relations Representative, California State Employees Association, representing appellant

BOARD ACTIONS

10. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF MARCH 9, 2004 AND MARCH 23, 2004

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ACTION: Adopted on April 6, 2004  
VOTE: Elkins, Alvarado, Tom - Aye

11. ACTION ON SUBMITTED ITEMS  
(See Minutes Page 23)

12. EVIDENTIARY CASES  
On April 6, 2004, the Board adopted by vote as indicated below, the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.  
Vote: Elkins, Alvarado, Tom - Aye

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A  
Appeal from denial of reasonable accommodation  
Correctional Lieutenant  
California Rehabilitation Center - Norco  
Department of Corrections  
NO ACTION

TIMOTHY BOBITT, CASE NO. 02-2856  
Appeal from suspension  
Senior Special Agent in Charge  
Department of Justice at Sacramento  
NO ACTION

RICHARD COELHO, CASE NO. 02-1796R  
Appeal from constructive medical termination  
Fish and Game Warden  
Department of Fish and Game  
NO ACTION

RANDALL DODSON, Case No. 03-1587  
Appeal from non-punitive termination  
Caltrans Equipment Operator I  
Department of Transportation  
NO ACTION

FRANK GARCIA, CASE NO. 03-1906  
Appeal from Dismissal  
Caltrans Highway Maintenance Worker  
Department of Transportation  
NO ACTION

CYNTHIA GEORGE, CASE NO. 03-2494  
Appeal from suspension  
Administrative Law Judge I  
Unemployment Insurance Appeals Board  
NO ACTION

THEODORE HUGHING, CASE NO. 03-0354  
Appeal from Medical Termination  
Food Service Supervisor I  
Department of Developmental Services  
NO ACTION

MAMIE JONES, CASE NO. 02-4441  
Appeal from ten-percent reduction  
in salary for five months  
Dispatcher Clerk  
Department of Transportation at Los Angeles  
NO ACTION

B. CASES PENDING

- Oral Arguments  
These cases were on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

RAYMOND ERNANDEZ, CASE NO. 01-4251A  
Appeal from five-percent salary reduction for six months  
Correctional Officer  
California Institution for Men - Chino  
Department of Corrections

ACTION: The Board adopted the Administrative Law Judge's proposed decision modifying the five-percent reduction in salary for six months to five-percent reduction in salary for three months.

NEIL MADDEN CASE NO. 03-1682A  
Appeal from five-percent salary reduction for three months  
Correctional Officer  
Centinela State Prison - Imperial  
Department of Corrections  
ACTION: Submitted

ELANGOVAN SITTRAMBARAM, CASE NO. 03-2401A  
Appeal from six-months suspension  
Student Administration Technical  
California State University - Long Beach  
ACTION: The Board adopted the Administrative Law Judge's proposed decision modifying the suspension for six months to a suspension for one month.

ALICE VAN THU, CASE NO. 03-0413A  
Appeal from automatic resignation  
Administrative Support Coordinator I  
California State University - Monterey Bay  
ACTION: Submitted

BEVERLY WILSON, 03-1150A  
Appeal from dismissal  
Administrative Support Assistant II  
California State University - Carson  
ACTION: Submitted

C. CHIEF COUNSEL RESOLUTIONS

LULU MAE HEIGHT-TIGNER, CASE NO. 00-3414E  
Appeal from constructive Termination  
Office Assistant (Typing)  
California rehabilitation Center - Norco  
Department of Corrections  
ACTION: The Board adopted a resolution denying appellant's request to be placed with the first rank



of the Office Technician eligibility list established by the State Personnel Board (SPB). However, the Board ordered that the SPB administer an OT examination to appellant if she notifies the Board within 30-days of the issuance of this resolution of her intention to take the OT exam. If appellant successfully completes the examination, she will be permitted to compete for the promotion to the OT classification based on her ranking on the OT eligibility list.

VIRGIL W. WOODS, CASE NO. 98-2849

Appeal from demotion

Correctional Counselor II (Specialist)

California State Prison - Sacramento

Department of Corrections

ACTION: The Board adopted a resolution ordering that the California Department of Corrections remove documents relating to the disciplinary action taken against appellant in this case as required by the terms of the settlement stipulation between the parties, which was previously approved by the Board.

JAMES GITTELSON, CASE NO. 03-1885

Appeal from demotion

Associate Caltrans Administrator

ACTION: The Board adopted a resolution denying appellant's request for an Order to Show Cause against the Department of Transportation.

MAURICE CROMMIE, (NO CASE NUMBER ASSIGNED)

Public Utilities Regulatory Analyst V

Public Utilities Commission

ACTION: The Board adopted a resolution denying appellant's request that the Board direct the California Public Utilities Commission to grant appellant a 5-step salary increase in the Public Utilities Regulatory Analyst V position.

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

DOUG ARCAMONE, CASE NO. 03-2374

Appeal from demotion from the position of Correctional Lieutenant to the position of Correctional Officer California Medical Facility, Vacaville Department of Corrections

ACTION: Demotion from Correctional Lieutenant to the position of Correctional Officer sustained.

THEODORE BALDWIN, CASE NO. 04-0130

Appeal from two consecutive pay periods suspension  
Parole Agent I

Parole and Community Services Division  
Department of Corrections

ACTION: Two consecutive pay periods suspension modified to a one pay period suspension.

NICHOLAS COMAITES, CASE NO. 03-0062

Appeal from official reprimand  
Correctional Counselor II AND

PAUL WARD, CASE NO. 03-0322  
Appeal from official reprimand  
Correctional Administrator  
Department of Corrections

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ACTION: Administrative Law Judge's  
proposed decision rejected by Board.  
Board to decide case itself.

RONALD DODD, CASE NO. 03-3580  
Appeal from rejection during  
Probation  
Construction Supervisor I  
Department of General Services  
ACTION: Rejection during probationary period  
sustained.

CONNIE JAMES, CASE NO. 03-3136  
Appeal from 15-working-days suspension  
Accounting Technician  
Employment Development Department  
ACTION: Administrative Law Judge's proposed decision  
rejected by Board. Board to decide case itself.

OLIMPIA LARA, CASE NO. 03-2583  
Appeal from dismissal  
Program Technician II  
Richard J. Donovan Correctional  
Facility - San Diego  
Department of Corrections  
ACTION: Dismissal sustained.

CARLOS O. LOPEZ, CASE NO. 03-2617  
Appeal from formal reprimand  
Correctional Officer  
California State Prison - Centinela  
Department of Corrections  
ACTION: Official reprimand sustained.

ROY MABRY, CASE NO. 03-1688  
Appeal from five-percent reduction  
in salary for six months  
Correctional Lieutenant  
California Institution for Women - Corona  
Department of Corrections  
ACTION: Five-percent reduction in  
salary sustained.

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DANIEL R. MEISTER, CASE NOS. 02-1972, 02-3883  
and 02-3766E  
Appeal from 89-working-days suspension  
Criminal Investigator  
Department of Toxic Substances Control  
Appeal from dismissal  
Criminal Investigator  
Department of Toxic Substances Control  
Appeal from whistleblower retaliation  
complaint  
Criminal Investigator  
Department of Toxic Substances Control  
ACTION: 89-working-days suspension modified to a 60-  
calendar-days suspension and dismissal revoked.

ROBERT MEZA, CASE NO. 03-2457  
Appeal from dismissal  
Printing Trades Assistant II  
Office of State Publishing  
Department of General Services  
ACTION: Dismissal sustained.

LOUIE MORALES, CASE NO. 03-3740E  
Appeal of discrimination and  
retaliation  
Correctional Sergeant  
California Substance Abuse Treatment  
Facility - Corcoran  
Department of Corrections  
ACTION: Appeal of discrimination and  
retaliation dismissed.

ROBERT NAPIER, CASE NO. 03-1676  
Appeal from suspension for  
30-calendar-days  
Correctional Officer  
California State Prison - Lancaster  
Department of Corrections  
ACTION: 30-calendar-days suspension  
modified to 10-working days  
suspension.

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KENNETH PHILLIPS, CASE NO. 03-3221  
Appeal from official reprimand  
Correctional Sergeant  
California Substance Abuse  
Treatment Facility - Corcoran  
Department of Corrections  
ACTION: Official reprimand sustained.

JUANITA RIVERA, CASE NO. 04-0171  
Appeal from official reprimand  
Correctional Case Records Analyst  
Central California Women's  
Facility - Chowchilla  
Department of Corrections  
ACTION: Official reprimand sustained.

VALERIE SALISBURY, CASE NO. 03-0055  
Appeal from demotion from the  
position of Correctional Case  
Records Manager to the position  
of Correctional Case Records Analyst  
California State Prison - Lancaster  
Department of Corrections  
ACTION: Demotion from position of Correctional Case  
Records Manager to the position of Correctional Case  
Records Supervisor modified to a demotion to  
Correctional Case Records Supervisor for one year.

MONIQUE S. SIDAROSS, CASE NO. 03-2202  
Appeal from suspension for  
Sixty-work-days  
Transportation Engineer (Civil)  
Department of Transportation  
ACTION: Sixty-work-days suspension sustained.

ANTOINETTE TUTT, CASE NO. 02-3781  
Appeal from demotion from the  
position of Correctional  
Administrator to the position of  
Correctional Counselor II (Specialist)  
California State Prison - Blythe  
Department of Corrections  
ACTION: Adverse action dismissed.

LEX VILLINES, CASE NO. 03-3077

Appeal from official reprimand  
Stationary Engineer  
Sierra Conservation Center - Jamestown  
Department of Corrections  
ACTION: Official reprimand revoked.

RENEE J. WILSON, CASE NO. 03-2892  
Appeal from demotion from the position  
of Parole Agent I to the position of  
Youth Correctional Counselor  
Department of the Youth Authority  
ACTION:

TRACI ZANCHI, CASE NO. 03-1770E  
Appeal of retaliation  
Assistant Information Systems Analyst  
California Correctional Institution - Tehachapi  
Department of Corrections  
ACTION: Appeal of retaliation denied.

- Proposed Decisions Taken Under Submission At Prior Meeting  
These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

REGINALD CRAYTON, CASE NO. 03-1534P  
Appeal from 30-days suspension  
Correctional Lieutenant  
California State Prison - San Quentin  
Department of Corrections  
Petition for rehearing filed by respondent  
denied.

DANIEL HARPER, CASE NO. 03-2226  
Appeal from rejection during probation  
Cook I (Correctional Facility)  
Department of the Youth Authority  
Petition for rehearing filed by appellant  
denied.

ELIZABETH HERRERA, CASE NO. 03-2220  
Appeal from constructive medical termination  
Administrative Support Coordinator I  
San José State University - San José  
Petition for rehearing filed by appellant granted.

PAULA ROHLAND, CASE NO. 03-0687  
Appeal from 30 working days suspension  
Correctional Officer  
State Prison - Lancaster  
Department of Corrections  
Petition for rehearing filed by appellant denied.

- Whistleblower Notice of Findings - NONE  
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANDREW CIRNER, CASE NO. 03-2241E  
Appeal from denial of request for  
reasonable accommodation  
Senior Psychiatric Technician  
Department of Mental Health  
NO ACTION

ROSIE L. DASHIELL, CASE NO. 03-2279  
Appeal from dismissal  
Public Safety Dispatcher I  
California Highway Patrol  
NO ACTION

KEVIN FRAZIER, CASE NO. 03-0736  
Appeal from a one-step reduction in  
salary for six months  
Correctional Officer  
California State Prison, San Quentin  
Department of Corrections  
NO ACTION

SHANNON FROEMING, CASE NO. 03-2871E  
Appeal from denial of request for reasonable  
accommodation  
Employment Program Representative  
Employment Development Department  
NO ACTION

RONALD GALI, CASE NO. 03-0462  
Appeal from dismissal  
Native American Spiritual Leader  
Folsom State Prison - Represa  
Department of Corrections  
NO ACTION

MARY HUTTNER, CASE NO. 02-1690  
Appeal from demotion Staff Services Manager I to  
the position of Associate Health Program  
Advisor (top step)  
Department of Health Services  
NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620  
Appeal from 30-calendar-days suspension  
Employment Program Representative



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Employment Development Department  
NO ACTION

PAUL H. KEMP, Case No. 01-2841  
Appeal from dismissal  
Teacher Assistant - Youth Correctional  
Reception Center and Clinic - Sacramento  
Department of the Youth Authority  
NO ACTION

JENNIFER KILL, CASE NO. 02-2164B  
Appeal for determination of back salary,  
benefits and interest  
Supervising Cook  
California Correctional Institution - Tehachapi  
Department of Corrections  
NO ACTION

NEIL MADDEN, CASE NO. 03- 1682  
Appeal from five-percent-reduction  
in salary for three months  
Correctional Officer  
Centinela State Prison - Imperial  
Department of Corrections at Imperial  
NO ACTION

DONNA MARTINEZ, CASE NO. 03-2232  
Appeal from dismissal  
Material & Stores Supervisor I  
Central California Women's Facility,  
Department of Corrections  
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344  
Appeal from dismissal  
Correctional Officer  
Substance Abuse Treatment Facility - Corcoran  
Department of Corrections  
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848  
Appeal from dismissal  
Psychiatric Technician (Safety)  
Department of Mental Health

NO ACTION

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299  
Appeal from five-percent reduction in  
salary for six months  
Special Agent  
Department of Corrections  
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703  
Appeal from five-percent reduction in salary for  
twelve-months  
Correctional Officer  
Ironwood State Prison - Blythe  
Department of Corrections  
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325  
Appeal from demotion  
Correctional Lieutenant  
Ironwood State Prison - Blythe  
Department of Corrections  
NO ACTION

NANCY SEARS, CASE NO. 02-2444  
Appeal from two-step reduction in  
salary for 12 months  
Department of Corrections - Sacramento  
NO ACTION

NANCY VALENTINO, Case No. 03-0699  
Appeal from dismissal  
Psychiatric Technician  
Department of Developmental Services  
NO ACTION

13. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION  
(See Minutes Pages 26-27)

14. NON-EVIDENTIARY CASES

- A. WITHHOLD APPEALS

On April 6, 2004, the Board adopted the following  
decisions presented by Laura Aguilera, Interim  
Executive Officer, California State Personnel  
Board.

VOTE: Elkins, Alvarado, Tom - Aye

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THOMAS ANDRADE, CASE NO. 03-1527  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED

JOSE ARANO, CASE NO. 03-2049  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

ANTHONY CASTRO, CASE NO. 03-1914  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

RONALD CONBOY, CASE NO. 03-2046  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

RYAN GIFFEN, CASE NO. 03-3651  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DISMISSED

ERIK MALLORY, CASE NO. 03-1565  
Classification: Cadet, CHP  
California Highway Patrol  
ACTION: DENIED

SONIA MENDOZA, CASE NO. 03-2031  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

ANTONIO RUBALCABA, CASE NO. 03-1210  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

JOHN SCHAUF, CASE NO. 03-1215  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

PHILLIP SMITH, CASE NO. 03-1962  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

SHANNON STEWART, CASE NO. 03-0094  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DISMISSED

ANITA WARD, CASE NO. 03-2074  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

JAMES WILLIS, CASE NO. 03-1897  
Classification: Correctional Officer  
Department of Corrections  
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

NONE

C. EXAMINATION APPEALS - NONE

MINIMUM QUALIFICATIONS

MERIT ISSUE COMPLAINTS - NONE

On April 6, 2004, the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board.

VOTE: Elkins, Alvarado, Tom - Aye

(Minimum Qualification Cases)

DIANE DIVOKY, CASE NO. 02-3674; LAUREL  
GODDARD, CASE NO. 02-3869; ALAN HUMASON, CASE NO.  
02-3506; SUSAN LUCYGA, CASE NO. 02-3829  
Classification: Associate Editor of Publications  
Department of Education  
ACTION: GRANTED

D. RULE 212 OUT-OF-CLASS APPEALS - NONE

VOIDED APPOINTMENT APPEALS - NONE

RULE 211 APPEALS - NONE

E. REQUEST TO FILE CHARGES CASES - NONE  
PETITIONS FOR REHEARING CASES - NONE

F. PSYCHOLOGICAL SCREENING CASES

On April 6, 2004, the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board.

VOTE: Elkins, Alvarado, Tom - Aye

WILLIAM FORBES, CASE NO. 04-0550  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

EDWARD QUIROZ, CASE NO. 03-3454  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

MARK SEAVER, CASE NO. 03-3759  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

SHERMAN WALTERS, CASE NO. 03-3638  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

KEVIN WORTELL, CASE NO. 04-0242  
Classification: Correctional Officer  
Department of Corrections  
ACTION: GRANTED

15. NON-HEARING CALENDAR

NONE

16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY  
ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS  
CURRENTLY UNDER CONSIDERATION

NONE

B. EXECUTIVE OFFICER DECISIONS REGARDING  
REQUESTS TO ESTABLISH NEW CEA POSITIONS

LEGISLATIVE DIRECTOR

The Department of Insurance's request to establish the above position to the CEA category has been disapproved effective February 27, 2004.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

4. PSC NO'S 03-09 & 03-10  
Appeal of the California Department of Insurance from the Executive Officer's August 15, 2003, disapproval of contracts with Strumwasser & Woocher and Bartko, Zankel, Tarrant & Miller, for legal services in response to the review request filed by California Attorneys, Administrative Law Judges and Hearing Officers (CASE). (Hearing held February 10, 2004).

NO ACTION

**NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.



Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE § 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on April 6, 2004.

VOTE: Elkins, Alvarado, Tom - Aye.

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LAURA AGUILERA  
Interim Executive Officer  
California State Personnel Board

CORRECTION

At the February 10, 2004, Board meeting in Sacramento, a hearing in the matter of PSC No's 03-09 and 03-10 was held (Appeal of the California Department of Insurance from the Executive Officer's August 15, 2003, disapproval of contracts with Strumwasser & Woocher and Bartko, Zankel, Tarrant & Miller, for legal services in response to the review request filed by California Attorneys, Administrative Law Judges and Hearing Officers). The matter was taken under submission, but was inadvertently left off the submitted page of the Minutes for the following Board dates:

February 23, 2004

March 9, 2004

March 23, 2004